

Notice of Allowability

Application No.

09/437,345

Examiner

Courtney D. Fields

Applicant(s)

CANDELORE, BRANT L.

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 18 August 18, 2005.
2. ☒ The allowed claim(s) is/are 6-15, 28-33, 36 and 37.
3. ☒ The drawings filed on 18 August 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date 18 August 2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
 Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statement respectfully submitted on 18 August 2005 has been considered by the Examiner.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney William Schaal on August 18, 2005. The application has been amended as follows:

In the drawings,

Please delete Figures 10-14.

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Applicant has deleted Figures 10-14 in the specification. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-

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272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



cdf
August 22, 2005


MATTHEW SMITHERS
PRIMARY EXAMINER

DETAILED ACTION

1. Claims 16-22,25,34-35,38-44,52-53, and 55-58 have been cancelled.
2. Claims 6,9,13,15,28-29,31,and 36-37 have been amended.
3. Claims 6-15, 28-33 and 36-37 are pending.

Election/Restrictions

4. Applicant's election without traverse of Group I (claims 1-5,23-24,26-27,45-51, and 54) in the reply filed on 19 May 2005 is acknowledged.
5. Claims 1-5,23-24,26-27,45-51, and 54 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 19 May 2005.

Response to Arguments

6. Applicant's arguments filed 20 August 2004 have been fully considered and they are persuasive.

Allowable Subject Matter

7. **Claims 6-15, 28-33, and 36-37 are allowed.**
8. The present invention is directed towards a copy management system and method for controlling the reproduction and recording of digital content on and from at least one digital device, by storing scrambled digital programs used to filter a product identifier. Each independent claim identifies the uniquely distinct features "**re-scrambling the digital content in a descrambled format to provide a second output including the digital content in re-scrambled format, re-scrambling being**

carried out in a first conditional access unit". The closest prior art, Wasilewski et al. (US Patent No. 6,157,719) discloses a conditional access unit for protecting information that is transmitted by means of a wired or wireless medium against unauthorized access, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious. The closes prior art, Muratani et al. (US Patent No. 6,061,451) discloses a apparatus and method for receiving and decrypting encrypted data and protecting decrypted data from illegal use, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious. The closest prior art, Hirata (US Patent No. 4,700,387) discloses a broadcast system for scrambled programming signals in radio or cable broadcasting systems in which only specific subscribers can view the contracted programs, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

9. Therefore, claims 6 and 28 and the respective dependent claims 7-15, 29-33, and 36-37 are in condition for allowance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

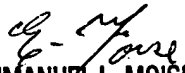
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August 2, 2005



EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER